

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

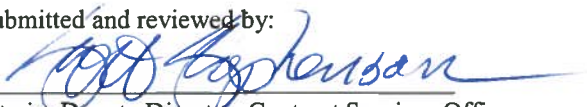
Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

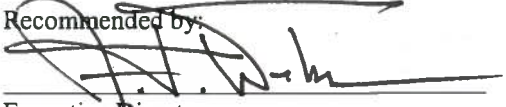
The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A

Submitted and reviewed by:


Interim Deputy Director, Contract Services Office

Recommended by:


Executive Director

114102 OCT 30 14

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
1	242, LLC	Houston District	Montgomery	The donor is donating the design and construction of a right turn lane extension and a left turn lane extension on SH 242 at Montgomery Creek Ranch Trail within Harpers Preserve in Conroe, Montgomery County, Texas, as well as, payment for all State direct and indirect costs associated with the review, oversight, and inspection of this work. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$150,000.	\$150,000	9/12/14
2	Broadstone Parmer, LLC	Austin District	Williamson	The donor is donating the design and construction of a right-turn deceleration lane on the southbound lanes of W. Parmer Lane (FM 734) approximately 1,400' north of its intersection with Anderson Mill Road in Williamson County, Texas, as well as, the State's direct and indirect costs to review, monitor and inspect the work that is performed on the State right of way. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$71,055.	\$71,055	9/22/14
3	Jimmie Deal	Bryan District	Robertson	The donor is donating an amount to fund a portion of the cost to repair the failing bank of Lost Creek adjacent to the State right of way in Hearne, Robertson County, Texas. All design and construction work will be provided by the State. The estimated value of the donation is \$5,000.	\$5,000	9/15/14
4	KB HOME Lone Star, Inc.	Austin District	Hays	The donor is donating the design and construction of a right-turn deceleration lane northbound and southbound left-turn lane on FM 150 in the City of Kyle, Hays County to provide access to and from the donor's new residential development, as well as, the State's direct	\$90,619	10/1/14

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
				and indirect costs to review, monitor and inspect the work that is on state right of way. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$90,619.		
5	KB HOME Lone Star, Inc.	Houston District	Fort Bend	The donor is donating the design and construction of a right-turn deceleration lane on the I-69 southbound frontage road near Williams Way into KB Homes Lone Star Development in Richmond, Fort Bend County, Texas, as well as, the State's direct and indirect costs associated with the review, oversight, and inspection of this work. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$200,000.	\$200,000	10/3/14
6	LGI Homes-Texas, LLC	Houston District	Galveston	The donor is donating the design and construction of a right turn lane on the I-45 south frontage road 4,200 LF north of FM 2004 to 5000 LF north of FM 1764 in Galveston County to provide access to the donor's development, as well as, the State's direct and indirect costs associated with review, oversight, and inspections of this work. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$150,000.	\$150,000	9/26/14
7	Maverick Terminals Three Rivers, LLC	Corpus Christi	Live Oak	The donor is donating funds sufficient for the construction of a right-turn deceleration lane from northbound US 281 into the donor's truck terminal development in Live Oak County. All construction work will be completed by TxDOT's contractor through a change order to an ongoing construction contract on US 281. The estimated value of the donation is \$100,000.	\$100,000	9/16/14

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
8	Miami Wind I, LLC	Amarillo District	Roberts, Gray, and Hemphill Counties	The donor is donating funds to reimburse TxDOT for the expenditures made to repair damage to roadways caused by Miami Wind I wind farm construction activities in Roberts and Hemphill Counties. The roadways included FM 48 in Hemphill County from FM 1268 to Wheeler County Line (1.00 miles); FM 748 in Gray and Roberts County from SH 152 to South Loop Road (6.47 miles); FM 1268 in Roberts and Hemphill Counties from FM 748 to US 83 (16.89 miles); and FM 3367 in Roberts County from FM 1268 to 6.34 miles north (6.34 miles). TxDOT performed the road repairs. The fixed value of the donation is \$23,032. (Replaces donation request from April 2014.)	\$23,032	9/22/14
9	Starwood Oaks Ltd	Austin District	Williamson	The donor is donating the design and construction of a deceleration lane on eastbound RM 1431 to provide access to and from the donor's residential development, Starwood Oaks subdivision, in the City of Cedar Park, Travis County, Texas; as well as, the State's direct and indirect costs to review, monitor and inspect the work that is on the state right of way. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$100,000. . (Donor name change - previously submitted under Starwood Oaks General Partner, LLC.)	\$100,000	9/26/14
10	Taylor Morrison of Texas, Inc.	Austin District	Hays	The donor is donating the design and construction of a left turn lane on RM 12 approximately 8,750 feet north of Hwy 290 in Dripping Springs, Hays County, Texas, as well as, the State's direct and indirect costs to review, monitor and inspect the work that is performed on the state right of way. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$85,000.	\$85,000	10/1/14

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
11	Tenaris Bay City, Inc.	Yoakum District	Matagorda	The donor is donating the design, materials, and construction of two left turn lanes and the installation and removal of two temporary traffic signals at the driveways to the donor's facility on SH 35 in Bay City, Matagorda County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$1,224,000,	\$1,224,000	9/12/14
12	Texas Travel Industry Association	Travel Information Division	N/A	The donor is donating an in-kind donation of food, beverages, lodging, transportation, and admissions to area attractions for the familiarization study tour of the South Texas region during October 5-10, 2014. The tour is sponsored by the donor and attended by TxDOT travel counselors and Travel Information Division staff. The estimated value of the donation is \$25,000.	\$25,000	9/18/14
13	The Kansas City Southern Railway Company	Yoakum District	Victoria	The donor is donating the design, materials, and construction to adjust the grade of US 87 within one block north and one block south of the donor's railroad crossing in Victoria, Victoria County, Texas, in order to make US 87 compatible with railroad track grade adjustments being made by the donor. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$600,000. (Replaces previously submitted request due to change in description of donation.)	\$600,000	10/8/14
14	Urban Grand Parkway, LP	Houston District	Harris	The donor is donating the design and construction of a right-turn deceleration lane from SH 99 northbound of Frantz Road into the Grandway Business Park in Harris County, as well as, the State's direct and indirect costs associated with the review, oversight and inspection of this work. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$300,000.	\$300,000	9/12/14

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
15	Wal-Mart Real Estate Business Trust	San Angelo District	Tom Green	The donor is donating the design and construction of two right-turn deceleration lanes from northbound US 87 (Bryant Blvd.) into the Walmart Supercenter in San Angelo, Tom Green County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$400,000.	\$400,000	9/22/14
16	Wal-Mart Real Estate Business Trust	San Angelo District	Tom Green	The donor is donating the design and construction of a right-turn deceleration lane into the Walmart Store on RM 584 (Knickerbocker Rd.) in San Angelo, Tom Green County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$126,000	\$126,000	9/19/14
17	Wal-Mart Real Estate Business Trust	San Angelo District	Tom Green	The donor is donating the design and construction of traffic signals and the addition of a median on BU 67 (Sherwood Way) into the Walmart Store in San Angelo, Tom Green County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$350,000.	\$350,000	9/19/14
18	Washington County Chamber of Commerce	Bryan District	Washington	The donor is donating wildflower seeds to reestablish the growth of wildflowers on the right of way, which was affected by drought over the past five years. The fixed value of the donation is \$4,000.	\$4,000	9/15/14